

REMARKS

Claims 1-20 and 22-33 are pending in the application. Claims 12-16 and 20-33 have been withdrawn from consideration as being drawn to a non-elected species.

Claims 2-4 and 6 have been objected to for being dependent upon a rejected base claim, but otherwise allowable.

Claims 1, 5, 7-11, 17, and 19 are rejected under §102(e) as anticipated by Sayers '861, as set forth in sections 4 and 5 of the Office Action.

Claims 3, 4, and 5 are amended herein to correct the informalities in sections 1 through 3 of the Office Action.

Applicant respectfully submits that the claims patentably distinguish over Sayers '861. The dispenser of Sayers '861 relates to a conventional type of dispenser that incorporates a refill bag. For example, referring to Figs. 1, 2A, and 2B, the dispenser 100 includes a housing 102 having a back plate 104 and a movable front cover 106. A refill container or bag 110 is placed within the housing 102, and is not visible once the bag is within the housing and the front cover 106 is closed. This is a fundamentally different type of construction as compared to the present invention and set forth in independent claim 1.

Independent claim 1 calls for a housing that defines an internal liquid reservoir. Referring to Figs. 1 and 2, the housing 14 defines the internal liquid reservoir. As described throughout the specification, the housing defines the integral sealed internal reservoir. As set forth on page 2, line 30, through page 3, line 1, the liquid reservoir is not a separate component from the housing, such as a cartridge or the like, that is inserted into the dispenser housing, which is precisely the type of structure illustrated

and described in Sayers '861. Claim 1 calls for a mounting assembly that is configured for mounting on a supporting wall structure. As noted by the Examiner, this mounting assembly may correspond to the back plate 104 of Sayers '861. Claim 1 further calls for the housing with the internally defined liquid reservoir to be completely removable and replaceable with respect to the mounting assembly, and for the housing to define the front visible surface of the dispenser when the housing is attached to the mounting assembly. Applicant acknowledges that the replacement bag in Sayers '861 is removable from the mounting assembly 104. However, the bag cannot constitute the housing that defines the front visible surface of the dispenser of Sayers '861. The front visible surface of the dispenser is the pivotally mounted front cover 106 that is closed relative to the mounting plate 104 after insertion of the refill container or bag 110.

Accordingly, independent claim 1 patentably distinguishes over the dispenser of Sayers '861.

In addition, independent claim 1 calls for the dispensing pump mechanism to be movable in horizontal direction relative to the housing for actuation thereof, with the motor driven actuator having a member slidable in a horizontal path to engage and move the dispensing pump mechanism to a dispensing position. This combination of elements is not disclosed in Sayers '861. The Examiner refers to Figs. 4 and 8 of Sayer '861 and identifies the actuator 150 that engages with the pump mechanism 114 as satisfying the claim limitations. However, Figs. 4 and 8 are described as "schematic drawings" and simply illustrate a pump actuator 150 as a rectangle. A schematic "rectangle" is not a disclosure of an actuator having a member slidable in a horizontal

path to engage and move the dispensing pump mechanism. The only description in the specification of the actuator 150 is set forth at column 6, lines 31 through 36, as follows:

The pump actuator 150, when the front cover is closed, comes in contact with the pump mechanism 114 which then dispenses a measured quantity of fluid. Collectively, the foregone components may be referred to as the operational mechanism.

There is no further disclosure of the structure or operation of the actuator 150.

There is clearly no disclosure that the actuator 150 is a member slidable in a horizontal path. For example, the mechanism 150 is more likely a rotatable cam member that is rotationally driven by the motor. Applicant respectfully submits that it is only through hindsight analysis that one skilled in the art would interpret the schematic drawing of Figs. 4 and 8, and the limited description thereof, as disclosing the claimed configuration set forth in independent claim 1. It should be noted that the other motor-driven structures in the various embodiments of Sayers '861 related to the lock-out arms are driven by rotational cam members. There is no disclosure in Sayers '861 of a motor driven actuator having a member slidable in a horizontal path.

Accordingly, applicant respectfully submits that independent claim 1 patentably distinguishes over Sayers '861, and is allowable. Claims 2 through 19 depend from claim 1 and are thus also allowable.

Although initially drawn to a non-elected species, independent claim 20 was previously amended to incorporate the limitations drawn to the dispensing pump mechanism being a linearly slidable cylinder having a delivery channel terminating at the delivery end, with the cylinder slidable within a horizontally disposed pump chamber defined within the reservoir. The motor driven actuator is slidable in a horizontal path to engage and move the cylinder to a dispensing position within the delivery channel.

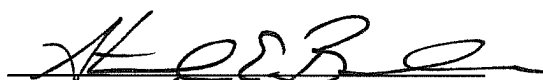
Claim 20 is narrower in scope than the generic claim 1, and essentially incorporates the features of claim 2 that has been indicated as allowable. Accordingly, applicant respectfully submits that independent claim 20 is proper for consideration and allowance in the present application. Claims 22 through 33 depend directly or indirectly from claim 20, and are thus allowable for at least the reasons claim 20 is allowable.

With the present Amendment, applicant submits that all of the pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at his convenience should he have any questions regarding this matter or require any additional information.

Respectfully submitted,

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